IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5266 of 2005

Between:

Pathapati Nayudu S/o. Balaiah Nayudu, Hindu,
Door No. 21-2-2/1, Jenda Street, Mutyalampadu, Vijayawada-11.

.. PETITIONER

AND

1 The Chairman, Visakhapatnam Urban Development Authority (VUDA), Visakhapatnam.
2 Smt. Moova Lakshmi W/o. Srinivasa Rao, Hindu, R/o. Kondakarla (V), Atchutapuram Mandal, Visakhapatnam.
3 Palacharla Vijayalakshmi W/o. Gangadhara Anand Rama Rao, Hindu R/o. Gorlevanipalem (V), Subbavaram (M), Visakhapatnam.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or Order or Direction more particularly in the nature of a writ of Mandamus declaring that the inaction of the 1st Respondent to consider the objections of the petitioner in his representation dt. 1-3-2005 in relation to the Application of the respondents 2 and 3 for sanction of the Approval of lay-out to the property in Survey No.5 of Gollapalem Village, and consequentially proceeding with considering the said Application of the Respondents 2 and 3 for approval of the lay out as illegal, arbitrary and unconstitutional and against to the Principles of Natural Justice and Article 300 A of the Constitution of India and to direct the 1st Respondent to consider the objections of the petitioner in his representation dt. 1-3-2005.

Counsel for the Petitioner: MR.AMBADIPUDI SATYANARAYANA

Counsel for the Respondent No.1: MR.V.PREETI REDDY

The Court at the stage of admission made the following:

ORDER:

The petitioner claims to be the absolute owner of the property admeasuring Ac.2-116 cents, situated in Sy.No.5 of Gollapalem Village and another extent of Ac.2-116 cents of land in Sy.No.5 of Gollapalem Village, Subbavaram Sub Registry Visakhapatnam District, having purchased the same under two registered sale deeds. It is claimed that the pattadar pass book has also been issued in his favour on 25-06-2004 by the Mandal Revenue Officer, Sabbavaram and his name has been mutated in the revenue records. However, he came to know that the respondents 2 and 3 herein have applied for sanction of layout to an extent of Ac.12.70 cents in Sy.No.5 of Gollapalem Village, which includes the land owned by the petitioner. In those circumstances, the petitioner made a representation dated 01-03-2005 bringing the said fact to the notice of the first respondent-Chairman of Visakhapatnam Urban Development Authority, and requesting not to grant the layout as sought by the respondents 2 and 3.

The only grievance of the petitioner is that the first respondent has been proceeding further on the basis of the application made by the respondents 2 and 3, without considering the objections raised in his representation dated 01-03-2005. Hence, this writ petition.

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the first respondent-Chairman, Visakhapatnam Urban Development Authority.

Having regard to the facts and circumstances, particularly in view of the assertions made by the petitioner as to the ownership in respect of part of the land in Sy.No.5 of Gollapalem Village, I am of the view that the first respondent is required to consider the objections raised by the petitioner in his representation dated
01-03-2005 in respect of the layout as sought by the respondents 2 and 3.

Accordingly, the writ petition is disposed of with a direction to the first respondent-Chairman, Visakhapatnam Urban Development Authority, to consider the objections raised by the petitioner in the representation dated 01-03-2005 before passing any order on the application of the respondents 2 and 3 for grant of layout.

The Writ Petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 17-03-2005

NOTE: Furnish C.C. by Monday.

B/o.

LSK

ASSISTANT REGISTRAR

To

1 The Chairman, Visakhapatnam Urban Development Authority (VUDA), Visakhapatnam.
2 Two C.D. copies.